

HONORABLE KAREN A. OVERSTREET

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON

In re

TC GLOBAL, INC.,

Debtor.

No. 12-20253

EX PARTE MOTION FOR ORDER
SHORTENING TIME FOR HEARING ON
THE DEBTOR'S EMERGENCY
MOTIONS AND LIMITING NOTICE
WITH RESPECT TO THE SAME:

EMERGENCY MOTION RE: CASH
MANAGEMENT, BANK ACCOUNTS
AND GIFT CARDS

EMERGENCY MOTION RE:
BANKRUPTCY CODE § 366 (INTERIM)

EMERGENCY MOTION RE:
PREPETITION WAGES

EMERGENCY MOTION TO REJECT
NON-RESIDENTIAL REAL PROPERTY
LEASES

EMERGENCY CASE MANAGEMENT
MOTION

EX PARTE MOTION FOR ORDER SHORTENING TIME
FOR HEARING AND LIMITING NOTICE – Page 1

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1 TC Global, Inc., doing business as Tully's Coffee, ("Debtor"), debtor-in-possession herein,
2 moves the Court on an ex parte basis for an order shortening the time for hearing on the following
3 emergency motions filed contemporaneously herewith ("Emergency Motions") and limiting notice
4 with respect to the same:

- 5 1. Emergency Motion for Order Authorizing Debtor to Continue Use of Existing Cash
6 Management System and Prepetition Business Banking Accounts and Checks, and to
Honor Pre-Petition Gift Cards ("Cash Management Motion");
- 7 2. Emergency Motion for Order Approving Proposed Adequate Assurance Under
8 Bankruptcy Code § 366 on an Interim Basis ("Adequate Assurance Motion");
- 9 3. Emergency Motion for Order Authorizing Debtor to Pay Prepetition Wages, Benefits
and Associated Costs ("Wage Motion");
- 10 4. Emergency Motion to Reject Non-Residential Real Property Leases ("Lease Rejection
11 Motion"); and
- 12 5. Emergency Motion for Entry of Case Management Order ("Case Management
Motion").

13 A. **Proposed Shortened Time and Limited Notice on Wage Motion and Cash Management**
14 **Motion**

15 The Debtor will be required to pay prepetition wages on October 15, 2012 as described in the
16 Wage Motion. The Debtor will need to continue usage of its current cash management system,
17 prepetition bank accounts and checks, and to continue to honor prepetition gift cards as set forth in the
18 Cash Management Motion. Because of the need for immediate relief as to these matters, the Debtor
19 requests that the Court shorten the time for hearing on the Wage Motion and the Cash Management
20 Motion to **Wednesday, October 10, 2012 at 3:30 p.m.**

21 The Debtor further requests that notice requirements be limited to the Top 20 unsecured
22 creditors, the United States Trustee, the United States Attorney's Office, the Office of the Attorney
23 General, IRS Special Procedures and the Washington State Department of Labor and Industries

1 (“Notice Parties”). The Debtor has no secured lender(s) with the exception of two equipment
2 financiers secured in the equipment and a lender with respect to one vehicle.

3 **B. Proposed Shortened Time and Limited Notice on Case Management Motion, Adequate**
4 **Assurance Motion and Lease Rejection Motion**

5 The Debtor needs assurance that the utility service to its numerous locations will continue
6 uninterrupted through the protection of the interim adequate assurance order. The interim adequate
7 assurance order contains procedures by which a utility provider has until October 31, 2012 to object to
8 the proposed adequate assurance in which case, the Debtor will set the matter for hearing.

9 The Debtor is also seeking approval of the rejection of numerous leases effective immediately
10 in order to avoid incurring unnecessary administrative expenses as set forth in the Lease Rejection
11 Motion.

12 Finally, the Debtor anticipates filing a number of pleadings in the next two weeks. There are
13 close to 6,000 creditors and equity holders. The Debtor’s Case Management Motion seeks authority
14 to limit future notices to certain parties, as well as those who opt in after receiving notice of the Case
15 Management Order in order to conserve estate resources. Additionally, the Debtor has created a
16 website at which any party may view all pleadings in the case at any time.

17 The Debtor requests that the Court shorten the time for hearing on the Adequate Assurance
18 Motion, the Lease Rejection Motion and the Case Management Motion to **Friday, October 12, 2012**
19 **at 9:30 a.m.** with responses due at the time of the hearing.

20 The Debtor further requests that notice requirements with respect to the Case Management
21 Motion, the Adequate Assurance Motion and the Lease Rejection Motion be limited to the Notice

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1 Parties and, in the case of the Lease Rejection Motion, the counterparties to the leases proposed to be
2 rejected.

3 DATED this 10th day of October, 2012.

4 BUSH STROUT & KORNFELD LLP

5 By /s/ Christine M. Tobin-Presser

6 Christine M. Tobin-Presser, WSBA #27628
7 Attorneys for TC Global, Inc.

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